

JOURNAL OF THE HOUSE.

Monday, May 22, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we begin today's legislative session with hearts and minds open to You, Your ways and values and to the concerns and best interests of all the people in this Commonwealth. We look to You for continued guidance as we struggle in these uneasy times to select legislative and personal options which are wise, relevant and honorable. Inspire us to address the complex, often emotional issues of the day in a thoughtful manner and to consider the consequences of our personal choices and decisions on future generations. Help us to remain faithful to our personal goals, precepts and beliefs as we enjoy each day's blessings.

Prayer.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Coppola of Foxborough, Poirier of North Attleborough and Kafka of Stoughton) congratulating Matthew Hawes on receiving the Eagle Award of the Boy Scouts of America;

Matthew
Hawes.

Resolutions (filed by Representatives Coppola of Foxborough, Poirier of North Attleborough and Kafka of Stoughton) congratulating Adam Hoy on receiving the Eagle Award of the Boy Scouts of America;

Adam
Hoy.

Resolutions (filed by Mrs. Coppola of Foxborough) congratulating Andrew J. McDonald on receiving the Eagle Award of the Boy Scouts of America;

Andrew J.
McDonald.

Resolutions (filed by Mrs. Coppola of Foxborough) congratulating Peter J. McDonald on receiving the Eagle Award of the Boy Scouts of America;

Peter J.
McDonald.

Resolutions (filed by Mrs. Coppola of Foxborough) congratulating Daniel R. Mullen on receiving the Eagle Award of the Boy Scouts of America;

Daniel R.
Mullen.

Resolutions (filed by Messrs. O'Brien of Kingston and deMacedo of Plymouth) congratulating Michael Paul Norton on receiving the Eagle Award of the Boy Scouts of America;

Michael
Paul
Norton.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Marcus Elliott on receiving the Eagle Award of the Boy Scouts of America; and

Marcus
Elliott.

Nancy
Ryan.

Resolutions (filed by Representatives Wolf of Cambridge, Toomey of Cambridge, Walz of Boston, Rushing of Boston, Paulsen of Belmont and Kaprielian of Watertown) congratulating Nancy Ryan on the occasion of her retirement;

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Wolf, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Consumer
Protection
and
Professional
License,
time for
reporting.

The House Order relative to extending until Thursday, June 15, 2006, the time within which the committee on Consumer Protection and Professional Licensure is authorized to report on certain Senate and House documents, came from the Senate with the endorsement that it had been adopted, in concurrence, by said branch, with an amendment striking out the date "June 15" and inserting in place thereof the date "May 25".

Under suspension of the Rule 35, on motion of Mr. Wolf of Cambridge, the amendment was considered forthwith; and it was adopted, in concurrence.

State zoning
guide,
municipalities.

A Bill requiring a state zoning guide for social service agencies and municipalities (Senate, No. 2477, amended by adding the following section:

"SECTION 6. The secretary shall publish the guide on the executive office's webpage in a conspicuous place available to the public to download.") (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Bills

Intermunicipal
agreements.

Further regulating intermunicipal agreements (Senate, No. 1174) (on a petition);

Amherst
land.

Releasing certain land in Amherst from the operation of an agricultural preservation restriction (Senate, No. 2359) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of the committee on Financial Services, asking to be discharged from further consideration

Excise tax,
quarterly
payments.

Of the petition (accompanied by bill, Senate, No. 557) of Robert A. Antonioni for legislation to equalize the quarterly payments of corporate excise taxes; and

Financial
institutions,
taxation.

Of the petition (accompanied by bill, Senate, No. 657) of Marian Walsh for legislation relative to the taxation of financial institutions; And recommending that the same severally be referred to the committee on Revenue.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

A communication from the Board of Trustees of the Health Care Security Trust (under the provisions of Section 4(h) of Chapter 29D of the General Laws) submitting its proposed operating budget for fiscal year 2007 (Senate, No. 2553) was referred, in concurrence, to the committee on Health Care Financing.

2007 budget
filing.

A petition (accompanied by bill, Senate, No. 2551) of Stephen M. Brewer and Todd M. Smola (by vote of the town) for legislation to authorize the town of Palmer to grant 4 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.

Palmer,
liquor
licenses.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) for legislation to authorize the Water Resources Authority to supply sewer services to certain property in the town of Hingham. Under suspension of the rules, on motion of Mr. Linsky of Natick, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence.

Hingham,
sewer
services.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on House, Nos. 2660, 2662, 2692, 2733, 2739, 2753, 2851, 3025, 4363, 4729 and 4858, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning health care costs (House, No. 4972). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Health care
costs,
study.

Subsequently Mr. Scaccia of Boston, for said committees, reported asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill allowing creditable service for certain state contract employees (Senate, No. 2462) ought to pass with an amendment by adding at the end thereof the following five sections:

Contract
employees,
service.

"SECTION 2. Section 1 of Chapter 157 of the acts of 2005 is hereby amended by inserting at the end thereof the following sentence:— For purposes of this paragraph, the state teachers' and employees' retirement systems shall be deemed to have accepted the provisions of this paragraph.

SECTION 3. Section 2 of said chapter 257 of the acts of 2005 is further amended by inserting at the end thereof the following sentence:— For purposes of this paragraph, the state teachers' and employees' retirement systems shall be deemed to have accepted the provisions of this paragraph.

Contract
employees,
service.

SECTION 4. Paragraph (b) of subdivision (2) of section 25 of chapter 32, as appearing in the 2004 Official Edition, is hereby amended by adding the following subparagraph:—

(iv) Any member retired under the provisions of this subdivision, who is a veteran as defined in section 1, shall receive an additional yearly retirement allowance of \$15 for each year of creditable service or fraction thereof, provided that the total amount of this additional yearly retirement allowance shall not exceed \$300.

SECTION 5. An additional yearly retirement allowance which would have been payable under section 4 of this act, if that provision had been in effect and for which a member in service would have been eligible at the time of the member's retirement, shall be paid retroactively to the date of each such veteran's retirement. Such payment shall be made in accordance with section 2 of chapter 157 of the acts of 2005.; and

SECTION 6. A veteran shall be eligible for payment of retroactive additional yearly retirement allowance under this act only upon filing an application no later than 120 days after the effective date of this act, in a form that the appropriate retirement board, as defined in chapter 32 of said General Laws, shall prescribe. Payment under this section shall be made in a lump sum or in installments and shall be made in full within 1 year of the retirement board's receipt of a completed and satisfactory application. The appropriate retirement board shall provide reasonable notice to eligible retirees about the application process prescribed by this act.”.

Housing,
data
collection

By the same member, for the same committee, that the Bill relative to data collection for government assisted housing in Massachusetts (House, No. 4423) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4978).

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were severally placed in the Orders of the Day for the next sitting for a second reading with the amendments pending.

Middlesex
Canal
Commission

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to the Middlesex Canal Commission (House, No. 4280) ought to pass.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the following bills ought to pass:

Senate Bills

Washington.

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Washington (Senate, No. 58, amended);

Nantucket.

Relative to the Nantucket Housing Authority (Senate, No. 2103, amended) [Local Approval Received];

Hadley.

Relative to the historic Lucious Crain Tavern in the town of Hadley (Senate, No. 2127);

Further regulating the retirement of certain employees of the Department of Fire Services (Senate, No. 2293, amended);

Fire services.

Authorizing the Division of Capital Asset Management and Maintenance to grant certain easements to the town of Princeton over lands held for conservation recreation purposes (Senate, No. 2355); and

Princeton.

Authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey and acquire certain parcels of land in the town of Bridgewater (Senate, No. 2511); and

Bridgewater.

House bills

Relative to dissection choice (House, No. 1051, changed);

Dissection.

To exempt small charities from tax upon raffle proceeds (House, No. 2414);

Raffles.

Further regulating the provision of electricity and other services in the Commonwealth (House, No. 4031);

Rental
property.

Authorizing the Division of Capital Asset Management and Maintenance to transfer certain land in the city of Marlborough to James Farina (House, No. 4656); and

Marlborough.

Relative to the financial conditions in the Pentucket Regional School District (House, No. 4883, changed);

Pentucket.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Mariano of Quincy, for the committee on Financial Services, on House, Nos. 15 and 16, a Bill making amendments to the Uniform Commercial Code covering provisions dealing with negotiable instruments and bank deposits and collections (House, No. 16).

Bank
deposits.

By the same member, for the same committee, on House, Nos. 1512 and 3099, a Bill relative to the sale of certain types of life insurance policies within the Commonwealth (House, No. 1512).

Life
insurance.

By the same member, for the same committee, on House, Nos. 1514 and 1517, a Bill increasing the mandatory minimum bodily injury insurance requirements for commercial vehicles (House, No. 1517).

Commercial
vehicles.

By the same member, for the same committee, on a petition, a Bill relative to group auto discounts on bank account balances under the safe driver insurance plan (House, No. 1522).

Auto
insurance.

By the same member, for the same committee, on a petition, a Bill relating to the cancellation or modification of an insurance producer's contract (House, No. 1545).

Insurance.

By the same member, for the same committee, on Senate, No. 619 and House, No. 2970, a Bill relative to equitable coverage for annuity policies (House, No. 2970).

Annuity
policies.

By the same member, for the same committee, on a petition, a Bill relative to clarifying responsibility in matters involving multiple defendants (House, No. 2992).

Defendants.

By the same member, for the same committee, on a petition, a Bill relative to the use of the name of financial institutions (House, No. 3007).

Financial
institutions.

By the same member, for the same committee, on a petition, a Bill relative to the list of legal investments prepared by the Commissioner of Banks (House, No. 3034).

Bank
Commissioner.

By the same member, for the same committee, on a petition, a Bill relative to the governance of state chartered banks (House, No. 3075).

State
chartered
banks.

Banks, directors.
By the same member, for the same committee, on a petition, a Bill relative to officers and directors of banks (House, No. 3077).

Banks, stop payments.
By the same member, for the same committee, on a petition, a Bill further regulating stop payment orders to a bank (House, No. 3094).

Funds, processing.
By the same member, for the same committee, on a petition, a Bill relative to processing of funds (House, No. 4649).

Life insurance.
By the same member, for the same committee, on Senate, No. 613 and House, No. 1526, a Bill relative to the investment laws of life insurance companies (House, No. 4973).

Group marketing plans.
By the same member, for the same committee, on House, No. 1547, a Bill relative to group marketing plans (House, No. 4974).

Division of Insurance.
By the same member, for the same committee, on House, No. 3903, a Bill relating to Division of Insurance maintenance assessments (House, No. 4975).

Burton W. Gerrig.
By Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a petition, a Bill in favor of Burton W. Gerrig, Esquire (House, No. 4048).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the following bills ought to pass:

Junior operators.
Bill further regulating driver education and junior operator's licenses (House, No. 4826); and

Nurses.
Bill relative to patient safety (House, No. 4965);

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

Natick, Home of Champions.
By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill designating Natick as the home of champions (House, No. 3489) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading with an amendment (previously recommended by the committee on State Administration and Regulatory Oversight) pending.

Hazardous materials mitigation.
By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill pertaining to hazardous materials mitigation (House, No. 1315) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading with an amendment (previously recommended by the committee on Ways and Means) pending.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

County roads.
Relative to county roads (Senate, No. 2085);

Authorizing the town of Bellingham to establish a group insurance liability fund (Senate, No. 2260) [Local Approval Received];

Further regulating college student meningococcal disease immunization (Senate, No. 2290, amended);

Further regulating the consignment of fine art (Senate, No. 2461); and

Authorizing the appointment of Lori Moniz as a reserve police officer for the city of Taunton (Senate, No. 2486) [Local Approval Received]; and

House bills

To streamline the physician credentialing process (House, No. 3061);

To provide licensing for genetic counselors (House, No. 4326);

Further regulating early childhood immunizations (House, No. 4703);

Relative to the department of public works in the town of Hopkinton (printed in House, No. 4747);

Designating a state highway in the town of Harwich as Route 28-Head of the Bay Road (House, No. 4751, changed);

Relative to sewer betterment assessments in the town of Richmond (House, No. 4753) [Local Approval Received];

Establishing the Sherwood Greens Road Improvement and Maintenance District in the town of Becket (House, No. 4811);

Designating a custom parcel of land in the city of Boston as the Frank Jordan Memorial Rose Garden (House, No. 4815);

Relative to dredge spoil disposal in Buzzards Bay (House, No. 4884);

Further regulating the sale of fruits and vegetables (House, No. 4891); and

Relative to lodging houses (House, No. 4893);

Severally placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Mariano of Quincy, for the committee on Financial Services, ought NOT to pass, on the petition (accompanied by bill, House, No. 1555) of Ronald Mariano relative to reinsurance agreements.

By the same member, for the same committee, ought NOT to pass, on a message from His Excellency the Governor recommending legislation relative to expanding the availability of health insurance (accompanied by bill, House, No. 2923).

By the same member, for the same committee, ought NOT to pass, on a message from His Excellency the Governor recommending legislation relative to establishing the commonwealth care health insurance exchange corporation (accompanied by bill, House, No. 2924).

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2945) of Kevin J. Murphy and others for legislation to establish the office of Commissioner of Insurance as an elected position.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2973) of Daniel F. Keenan relative to the issuance of information to employees concerning prepaid health insurance fees.

Health
services.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2974) of Daniel F. Keenan for legislation to further regulate certain notices to patients by licensed insurance carriers of health insurance.

Health
insurance
reviews.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2977) of Daniel F. Keenan relative to determinations of medical necessity by health insurance providers.

Underwriting
association.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3057) of Ronald Mariano relative to dwelling and personal liability coverages under the Massachusetts Property Insurance Underwriting Association.

Liability
insurance.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3065) of Ronald Mariano relative to specified disease insurance purchased as a supplement to a health insurance policy.

Patients,
protection.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3068) of Peter J. Larkin and John W. Scibak relative to notices to insured persons of the disenrollment of primary care physicians and participating providers.

Mortgage
statements.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3093) of Bruce J. Ayers that banking and lending institutions be required to issue certain information on monthly statements to mortgage loan customers.

Mortgage
guaranty
insurance.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3095) of Geoffrey D. Hall and others for legislation to regulate the sale or transfer of mortgages under the law providing for the issuance of mortgage guaranty insurance.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Engrossed Bills.

Bills
enacted.

Engrossed Bills
Relative to the environmental trust (see House, No. 1283);
Providing incentives to the motion picture industry (see House, No. 4455);

Authorizing a stabilization fund for the Bourne Water District (see House, No. 4459); and

Authorizing recall elections in the town of Framingham (see House, No. 4694);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill increasing the speed limit for boating within the narrows in Glen Echo Lake in the town of Charlton (Senate, No. 2238, changed) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Third
reading
bill.

The House Bill establishing the Cohasset Library Trust, Inc. (House, No. 4840), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence. H

Recess.

At twenty-seven minutes after eleven o'clock A.M., on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House recessed until the hour of twelve o'clock noon; and at a quarter after twelve o'clock the House was called to order with Mr. Donato in the Chair. Recess.

Order.

On motion of Mr. DiMasi of Boston,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M. Next
sitting.

At sixteen minutes after twelve o'clock noon, on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned to meet tomorrow at eleven o'clock A.M.